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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,493	04/09/2004	Donald Edward Williams SR.	OSU 0018 PA/41096.37	1428

7590 07/06/2005

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EXAMINER

MEISLIN, DEBRA S

ART UNIT PAPER NUMBER

3723

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,493

Applicant(s)

WILLIAMS, DONALD EDWARD

Examiner

Debra S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 33-39 is/are rejected.
- 7) ☒ Claim(s) 30-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, "said pawls" lacks antecedent basis.

2. Claims 34 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear as to how the thrust bearing is configured to be disposed against the adapter ring. The structure and operation of such arrangement is not clear.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "thrust bearing disposed against the adapter ring" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 9 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hermanson (2810313).

7. Claims 1-4 and 26-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Reaves (2757564).

8. Claims 1-4 and 26-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hsien (2004/0025642).

9. Claims 1-5 and 10-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Furey (4562757).

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermanson, Reaves, or Hsien in view of Mitchell or Taggart.

Hermanson, Reaves, or Hsien disclose all of the claimed subject matter except for having the angle subtended by the ratcheting rotation being up to six degrees or approximately four degrees. Mitchell discloses ratcheting angles of rotation of 4, 6, and 8 degrees. Taggart discloses a ratcheting angle of rotation of approximately 7 degrees. It would have been obvious to one having ordinary skill in the art to form the device of Hermanson, Reaves, or Hsien with a ratcheting angle of rotation up to six degrees or approximately four degrees to minimize the swing angle for work in confined spaces as taught by Mitchell or Taggart.

12. Claims 13-16, 25, 35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention.

Figure 1 of the instant invention discloses all of the claimed subject matter except for having a ratcheting member wherein the pawls make up a portion of a race and a hinge. Hermanson discloses a wrench having a handle, a nut engaging member, a ratcheting member wherein the pawls make up a portion of a race, a hinge, and a rotatable workpiece have outer engaging portions for rotation thereof. It would have

been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention with a ratcheting mechanism wherein the pawls make up a portion of a race to allow for quick rotation of the workpiece as taught by Hermanson. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention with a hinge to allow for selected orientation of the tool head as taught by Hermanson.

Hermanson et al discloses all of the claimed subject matter except for having for having a nut disposable on a shock absorber. Hermanson discloses a wrench having a handle, a nut engaging member, a ratcheting member wherein the pawls make up a portion of a race and a rotatable workpiece have outer engaging portions for rotation thereof. Figure 1 of the instant invention discloses a nut disposable on a shock absorber. It would have been obvious to one having ordinary skill in the art to use the device of Hermanson on a nut disposable on a shock absorber to enable rotation thereof as taught by Figure 1 of the instant invention.

With respect to claim 37, the examiner takes Official Notice that the use of thrust bearings is notoriously old and well known in the art for engagement with a nut to hold the nut in place. It would have been obvious to one having ordinary skill in the art to provide the device of Hermanson et al or of Figure 1 of the instant invention with at least one thrust bearing as such is notoriously old and well known in the art for engagement with a nut to hold the nut in place.

13. Claims 17 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative,

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Hermanson in view of Figure 1 of the instant invention as applied above, in further view of Reaves.

Reaves discloses an adapter ring having a plurality of teeth on the periphery thereof configured to engage a pawl. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention in view of Hermanson, or in the alternative, Hermanson in view of Figure 1 of the instant invention with an adapter ring having a plurality of teeth on the periphery thereof configured to engage a pawl to enable engagement of a workpiece having the shape of the interior surface of the adapter ring for rotation of the workpiece as taught by Reaves.

14. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention in view of Reaves as applied above, in further view of Ozaki et al.

Ozaki et al discloses a nut having a bore, a securing member, and a block. It would have been obvious to one having ordinary skill in the art to form the nut of the device of Figure 1 of the instant invention or of Hermanson in view of Figure 1 of the instant invention with a bore, a securing member, and a block to lock the nut in place as taught by Ozaki et al.

15. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention, as applied above.

The examiner takes Official Notice that forming nuts with various materials such as those lower in density than steel, lightweight metal, aluminum, aluminum alloys, anodized aluminum, anodized aluminum alloys, or a protective layer are all old and well known in the nut art as such is dependent upon the use of the nut. Consequently, it would have been obvious to one having ordinary skill in the art to form the nut of Figure 1 of the instant invention or of Hermanson out of any of a variety of materials as such is old and well known in the art.

16. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reaves or Hsien in view of Mitchell or Taggart.

Reaves or Hsien disclose all of the claimed subject matter except for having teeth spaced by substantially four degrees. Mitchell discloses ratcheting angles of rotation of 4, 6, and 8 degrees. Taggart discloses a ratcheting angle of rotation of approximately 7 degrees. It would have been obvious to one having ordinary skill in the art to space the teeth of the device of Reaves or Hsien at substantially four degrees to minimize the swing angle for work in confined spaces as taught by Mitchell or Taggart.

17. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reaves or Hsien.

Reaves or Hsien disclose all of the claimed subject matter except for having at least one thrust bearing. The examiner takes Official Notice that the use of thrust bearings is notoriously old and well known in the art for engagement with a nut to hold the nut in place. It would have been obvious to one having ordinary skill in the art to provide the device of Reaves or Hsien with at least one thrust bearing as such is

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notoriously old and well known in the art for engagement with a nut to hold the nut in place.


18. Claims 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

19. Claims 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

June 30, 2005